

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JANE DOE, a fictitious name, on behalf of
herself and all others similarly situated,

Plaintiff,

-v-

No. 5:17-CV-936
(DNH/TWD)

JOHN B. RHODES; GREGG C. SAYRE;
DIANE X. BURMAN; JAMES S. ALES; and
the NEW YORK STATE PUBLIC SERVICE
COMMISSION,

Defendants.

APPEARANCES:

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COMMISSION
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JONATHAN D. FEINBERG, ESQ.
JOHN J. SIPOS, ESQ.
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DAVID N. HURD
United States District Judge

ORDER TO SHOW CAUSE
FOR TEMPORARY RESTRAINING ORDER, PRELIMINARY INJUNCTION, AND
PROVISIONAL CLASS CERTIFICATION

Upon reading the Declaration of William J. Dreyer, Esq. dated October 6, 2017 with exhibits annexed thereto, the Memorandum of Law in support of the Motion for Temporary Restraining Order and Preliminary Injunction by plaintiff, and the Memorandum of Law in support of the Motion for Provisional Class Certification for the Sole Purpose of Granting Injunctive Relief by plaintiff, it is

ORDERED that

1. Defendants John B. Rhodes, Gregg C. Sayre, Diane X. Burman, James S. Alesi and the New York State Public Service Commission, show cause before this Court on Monday, October 16, 2017, at 11:00 a.m. in Utica, New York, why an order should not be entered:

(1) granting provisional class certification for the sole purpose of granting injunctive relief;

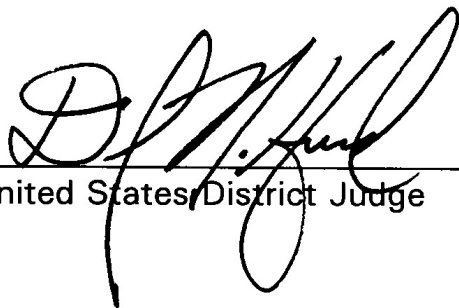
(2) staying enforcement of defendant New York State Public Service Commission's December 16, 2016 Order and temporarily restraining and/or preliminarily enjoining defendants and those acting in concert with them from enforcing the Ordering Clauses of the December 16, 2016 Order;

(3) enjoining the Energy Service Companies from opening or otherwise using the confidential, financial-status information sent by utilities to the Energy Service Companies in alleged violation of state and federal law; and

2. Defendants shall file and serve upon plaintiff any answering and responsive papers to the Application by Order to Show Cause for a Temporary Restraining Order, Preliminary

Injunction, and Class Certification via ECF on or before 12:00 noon on Friday, October 13, 2017.

IT IS SO ORDERED.



United States District Judge

Dated: October 10, 2017
Utica, New York.